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should be sought first in case the Chinese chose to develop the province with foreign aid.⁷

Upon the question of the obligation of Japan, whether moral or legal, to restore Kiaochow to China, we do not propose to enter. Indeed, it does not seem to us particularly important. Even if the so-called "restoration" be made, it will probably be upon such conditions as would leave Japan in virtual or actual political and economic control of the Shantung Province, and therefore with a firm grip on China. As a distinguished Chinese politician and diplomatist has expressed it, "she (Japan) will give us back the shells and keep the oysters."⁸

AMOS S. HERSHEY.

THE PEACE NEGOTIATIONS WITH GERMANY¹

"It is neither the time nor the place for superfluous words. . . . The time has come when we must settle our account." In this plain, curt, business-like language, the negotiations for the restoration of peace, requested by the German Government of the President of the United States on October 6, 1918, were opened by Premier Clemenceau at Versailles on May 7, 1919.

The time was the fourth anniversary of the sinking of the *Lusitania*, and the place was the scene of Germany's peace of conquest, dictated to France in 1871. Perhaps the long series of barbarous crimes on land and sea of which the former event was merely typical and the ineffaceable memory of the half century of injustice which the latter event meant to France, inspired the language of the veteran French statesman who acted as spokesman for the twenty-seven nations, great and small, which Germany's unsuccessful attempt to repeat her triumphs of conquest of 1871 on a more ambitious scale in 1914-1918 had forced into the war of self-defense against her. Undoubtedly M. Clemenceau's words were intended to impress upon the German delegates that the terms of peace to be presently handed to them, which had been formulated and agreed upon by the Allied and

⁷ Hornbeck, *op. cit.*, p. 295.

⁸ Dr. C. T. Wang, in *The Outlook*, June 25, 1918.

¹ Except where otherwise stated, the quotations and other references to documents are taken from the English translations appearing in the *New York Times Current History* for June, July and August, 1919.

Associated Powers after months of arduous deliberations, were substantially final, and that Germany must be prepared without dicker or barter to settle the account which the outraged world had found to be due from her. "This second treaty of Versailles," continued M. Clemenceau, "has cost us too much not to take on our side all the necessary precautions and guarantees that the peace shall be a lasting one."

He informed the German plenipotentiaries that "no oral discussion is to take place and the observations of the German delegation will have to be submitted in writing." Every facility and the time necessary to examine the conditions would be granted, he stated, and the Allies were ready to give any explanations desired and to receive any observations the Germans might have to offer; but they would have a maximum period of two weeks in which to present written observations on the treaty.

On behalf of the German delegation, Count von Brockdorff-Rantzau read a prepared reply in which it was denied that Germany was solely responsible for the war and that the crimes of war were confined to Germany and her allies. Confessing that Germany's military power had been broken, the chief German delegate stated that he relied for a peace of justice upon President Wilson's principles, which, by their acceptance as the basis of negotiations, had become binding upon both parties to the war.

The proceedings were then closed and the plenipotentiaries did not meet again until the formal signature of the treaty on June 28.

In less than 400 spoken words, Premier Clemenceau had presented to Germany the draft of a treaty of peace which, according to a semi-official summary given out at Paris, is the longest treaty ever drawn.² It totals about 80,000 words divided into fifteen main sections and represents the combined product of over a thousand experts working continually through a series of commissions for the three and a half months from January 18. The treaty is printed in parallel pages of English and French, which are recognized as having equal validity. It does not deal with questions affecting Austria, Bulgaria and Turkey except in so far as binding Germany to accept any agreement reached with those former allies.

² The draft treaty had been submitted to and approved by the Preliminary Peace Conference of the Allied and Associated Powers at Paris, in plenary session, on May 6, 1919.

Following the preamble and deposition of Powers comes the Covenant of the League of Nations as the first section of the treaty. The frontiers of Germany in Europe are defined in the second section; European political clauses given in the third; and extra-European political clauses in the fourth. Next are the military, naval, and air terms as the fifth section, followed by a section on Prisoners of War and Military Graves and a seventh on Responsibilities. Reparations, financial terms, and economic terms are covered in sections eight to ten. Then comes the Aeronautic section, ports, waterways, and railways section, the Labor Covenant, the section on guarantees, and the final clauses.

Germany, by the terms of the treaty, restores Alsace-Lorraine to France, accepts the internationalization of the Saar Basin temporarily and of Danzig permanently, agrees to territorial changes towards Belgium and Denmark and in East Prussia, cedes most of Upper Silesia to Poland, and renounces all territorial and political rights outside of Europe, as to her own or her allies' territories, and especially as to Morocco, Egypt, Siam, Liberia, and Shantung. She also recognizes the total independence of German Austria, Tehecho-Slovakia, and Poland.

Her army is reduced to 100,000 men including officers; conscription within her territories is abolished; all forts fifty kilometers east of the Rhine razed; and all importation, exportation and nearly all production of war material stopped. Allied occupation of parts of Germany will continue till reparation is made, but will be reduced at the end of each of three five-year periods if Germany is fulfilling her obligations. Any violation by Germany of the conditions as to the zone 50 kilometers east of the Rhine will be regarded as an act of war.

The German navy is reduced to six battleships, six light cruisers, and twelve torpedo-boats, without submarines and with a personnel of not over 15,000. All other vessels must be surrendered or destroyed. Germany is forbidden to build forts controlling the Baltic, must demolish Heligoland, open the Kiel Canal to all nations, and surrender her fourteen submarine cables. She may have no military or naval air forces except 100 unarmed seaplanes until October 1st to detect mines, and may manufacture no aviation material for six months.

Germany accepts full responsibility for all damages caused to

Allied and Associated Governments and nationals, and agrees specifically to reimburse all civilian damages, beginning with an initial payment of 20,000,000,000 marks, subsequent payments to be secured by bonds to be issued at the discretion of the Reparation Commission. Germany is to pay shipping damage on a ton-for-ton basis by cession of a large part of her merchant, coasting, and river fleets and by new construction; and to devote her economic resources to the rebuilding of the devastated regions.

She agrees to return to the 1914 most-favored-nation tariffs, without discrimination of any sort; to allow Allied and Associated nationals freedom of transit through her territories, and to accept highly detailed provisions as to pre-war debts, unfair competition, internationalization of railroads and rivers, and other economic and financial clauses. She also agrees to the trial of the ex-Kaiser by an international high court for a supreme offense against international morality, and of other nationals for violations of the laws and customs of war, Holland to be asked to extradite the former and Germany being responsible for delivering the latter.

The League of Nations is accepted by the Allied and Associated Powers as operative upon ratification of the treaty and by Germany in principle but without membership. Similarly an international Labor Body is brought into being with a permanent office and an annual convention. A great number of international bodies of different kinds and for different purposes are created, some under the League of Nations, some to execute the peace treaty. Among the former is the commission to govern the Saar Basin until a plebiscite is held fifteen years hence; the internationalized Free City of Danzig guaranteed by the League and under a high commissioner appointed by it; and various commissions for plebiscites in Malmedy, Schleswig, and East Prussia. Among those to carry out the peace treaty are the Reparations, Military, Naval, Air, Financial, and Economic Commissions, the International High Court and military tribunals to fix responsibilities, and a series of bodies for the control of international rivers.

Certain problems are left for solution between the Allied and Associated Powers, notably details of the disposition of the German fleet and cables, the former German colonies, and the values paid in reparation. Certain other problems, such as the laws of the air and

the opium, arms and liquor traffic, are either agreed to in detail or set for early international action.

During the interval between the opening and closing sessions at Versailles, the negotiations were conducted by the interchange of written communications, as prescribed by the Allies. The first of these was a protest of a general nature from Count von Brockdorff-Rantzau on May 9th, in which he stated that a perusal of the peace conditions showed that "on essential points the basis of the peace of right agreed upon between the belligerents has been abandoned" and that "the draft of the treaty contains demands which no nation could endure." M. Clemenceau replied promptly on May 10th that the terms of the treaty had been formulated "with constant thought of the principles upon which the armistice and the negotiations for peace were proposed," that the Allies "could admit no discussion of their right to insist on the terms of the peace substantially as drafted," and can consider "only such practical suggestions as the German plenipotentiaries may have to submit."

Thereupon the German delegation proceeded to send a series of separate notes concerning particular portions of the terms. They made persistent efforts to bring about oral discussions by suggesting the establishment of special commissions to confer upon and settle the details of the execution of certain sections of the treaty. They transmitted counter proposals on the question of the League of Nations and the agreement on labor legislation. They objected to the provisions regarding repatriation of prisoners of war and interned civilians, the sections on responsibility for the war and reparations, territorial adjustments and the financial and economic provisions. To all of these the Allies gave prompt replies, unequivocally maintaining their terms as submitted to the Germans.

The time limit of two weeks set for the reception of the complete German reply expired on May 21. On May 20th the German delegation stated that it would be impossible to hand in their complete reply within the time allowed, and asked for an extension, which was granted until May 29th. On that date, observations on the entire treaty, including the substance of the notes previously exchanged, were handed to the Allies by the German delegation. These observations were considered until June 16th, when the Allies made a detailed reply to them. Both the German observation and the Allied reply are very bulky documents. They were accompanied by covering letters

giving general summaries of the contents of the documents. These letters are reproduced below:

*Letter transmitting German observations on the draft Treaty of Peace*³

MR. PRESIDENT:

I have the honor to transmit to you herewith the observations of the German delegation on the draft Treaty of Peace. We came to Versailles in the expectation of receiving a peace proposal based on the agreed principles. We were firmly resolved to do everything in our power with a view of fulfilling the grave obligations which we had undertaken. We hoped for the peace of justice which had been promised to us. We were aghast when we read in documents the demands made upon us, the victorious violence of our enemies. The more deeply we penetrate into the spirit of this treaty, the more convinced we become of the impossibility of carrying it out. The exactions of this treaty are more than the German people can bear.

With a view to the reestablishment of the Polish state we must renounce indisputably German territory—nearly the whole of the Province of West Prussia, which is preponderantly German; of Pomerania; Danzig, which is German to the core; we must let that ancient Hanse town be transformed into a free state under Polish suzerainty. We must agree that East Prussia shall be amputated from the body of the state, condemned to a lingering death, and robbed of its northern portion, including Memel, which is purely German. We must renounce Upper Silesia for the benefit of Poland and Czechoslovakia, although it has been in close political connection with Germany for more than 750 years, is instinct with German life, and forms the very foundation of industrial life throughout East Germany.

Preponderantly German circles (Kreise) must be ceded to Belgium, without sufficient guarantees that the plebiscite, which is only to take place afterward, will be independent. The purely German district of the Saar must be detached from our empire, and the way must be paved for its subsequent annexation to France, although we owe her debts in coal only, not in men.

For fifteen years Rhenish territory must be occupied, and after those fifteen years the Allies have power to refuse the restoration of the country; in the interval the Allies can take every measure to sever the economic and moral links with the mother country, and finally to misrepresent the wishes of the indigenous population.

Although the exaction of the cost of the war has been expressly renounced, yet Germany, thus cut in pieces and weakened, must declare herself ready in principle to bear all the war expenses of her enemies, which would exceed many times over the total amount of German state and private assets.

Meanwhile her enemies demand, in excess of the agreed conditions, reparation for damage suffered by their civil population, and in this connection Germany must also go bail for her allies. The sum to be paid is to be fixed by our enemies unilaterally, and to admit of subsequent modification and increase. No limit is fixed, save the capacity of the German people for payment, determined

³ *Current History*, July, 1919, pp. 17-19.

not by their standard of life, but solely by their capacity to meet the demands of their enemies by their labor. The German people would thus be condemned to perpetual slave labor.

In spite of the exorbitant demands, the reconstruction of our economic life is at the same time rendered impossible. We must surrender our merchant fleet. We are to renounce all foreign securities. We are to hand over to our enemies our property in all German enterprises abroad, even in the countries of our allies. Even after the conclusion of peace the enemy states are to have the right of confiscating all German property. No German trader in their countries will be protected from these war measures. We must completely renounce our colonies, and not even German missionaries shall have the right to follow their calling therein. We must thus renounce the realization of all our aims in the spheres of politics, economics, and ideas.

Even in internal affairs we are to give up the right to self-determination. The International Reparation Commission receives dictatorial powers over the whole life of our people in economic and cultural matters. Its authority extends far beyond that which the Empire, the German Federal Council, and the Reichstag combined ever possessed within the territory of the Empire. This commission has unlimited control over the economic life of the state, of communities, and of individuals. Further, the entire educational and sanitary system depends on it. It can keep the whole German people in mental thralldom. In order to increase the payments due, by the thrall, the commission can hamper measures for the social protection of the German worker.

In other spheres, also, Germany's sovereignty is abolished. Her chief waterways are subjected to international administration; she must construct in her territory such canals and such railways as her enemies wish; she must agree to treaties the contents of which are unknown to her, to be concluded by her enemies with the new states on the east, even when they concern her own functions. The German people is excluded from the League of Nations, to which is intrusted all work of common interest to the world.

Thus must a whole people sign the decree for its own proscription, nay, its own death sentence.

Germany knows that she must make sacrifices in order to attain peace. Germany knows that she has, by agreement, undertaken to make these sacrifices, and will go in this matter to the utmost limits of her capacity.

1. Germany offers to proceed with her own disarmament in advance of all other peoples, in order to show that she will help to usher in the new era of the peace of justice. She gives up universal compulsory service and reduces her army to 100,000 men, except as regards temporary measures. She even renounces the warships which her enemies are still willing to leave in her hands. She stipulates, however, that she shall be admitted forthwith as a state with equal rights into the League of Nations. . . . She stipulates that a genuine League of Nations shall come into being, embracing all peoples of good-will, even her enemies of to-day. The League must be inspired by a feeling of responsibility toward mankind and have at its disposal a power to enforce its will sufficiently strong and trusty to protect the frontiers of its members.

2. In territorial questions, Germany takes up her position unreservedly on the ground of the Wilson program. She renounces her sovereign right in Alsace-Lorraine, but wishes a free plebiscite to take place there. She gives up the greater part of the province of Posen, the district incontestably Polish in population, together with the capital. She is prepared to grant to Poland, under international guarantees, free and secure access to the sea by ceding free ports at Danzig, Königsberg and Memel, by an agreement regulating the navigation of the Vistula and by special railway conventions. Germany is prepared to insure the supply of coal for the economic needs of France, especially from the Sarre region, until such time as the French mines are once more in working order. The preponderantly Danish districts of Schleswig will be given up to Denmark on the basis of a plebiscite. Germany demands that the right of self-determination shall also be respected where the interests of the Germans in Austria and Bohemia are concerned.

She is ready to subject all her colonies to administration by the community of the League of Nations, if she is recognized as its mandatary.

3. Germany is prepared to make payments incumbent on her in accordance with the agreed program of peace up to a maximum sum of 100,000,000,000 gold marks, 20,000,000,000 by May 1, 1926, and the balance (80,000,000,000) in annual payments, without interest. These payments shall in principle be equal to a fixed percentage of the German Imperial and State revenues. The annual payment shall approximate to the former peace budget. For the first ten years the annual payments shall not exceed 1,000,000,000 gold marks a year. The German taxpayer shall not be less heavily burdened than the taxpayer of the most heavily burdened state among those represented on the Reparation Commission.

Germany presumes in this connection that she will not have to make any territorial sacrifices beyond those mentioned above, and that she will recover her freedom of economic movement at home and abroad.

4. Germany is prepared to devote her entire economic strength to the service of the reconstruction. She wishes to cooperate effectively in the reconstruction of the devastated regions of Belgium and Northern France. To make good the loss in production of the destroyed mines of Northern France, up to 20,000,000 tons of coal will be delivered annually for the first five years, and up to 80,000,000 tons for the next five years. Germany will facilitate further deliveries of coal to France, Belgium, Italy, and Luxemburg.

Germany is, moreover, prepared to make considerable deliveries of benzol, coal tar, and sulphate of ammonia, as well as dye-stuffs and medicines.

5. Finally, Germany offers to put her entire merchant tonnage into a pool of the world's shipping, to place at the disposal of her enemies a part of her freight space as part payment of reparation, and to build for them, in a series of years in German yards, an amount of tonnage exceeding their demands.

6. In order to replace the river boats destroyed in Belgium and Northern France, Germany offers river craft from her own resources.

7. Germany thinks that she sees an appropriate method for the prompt fulfillment of her obligation to make reparations conceding participation in coal mines to insure deliveries of coal.

8. Germany, in accordance with the desires of the workers of the whole world, wishes to insure to them free and equal rights. She wishes to insure to them in the treaty of peace the right to take their own decisive part in the settlement of social policy and social protection.

9. The German delegation again makes its demand for a neutral inquiry into the responsibility for the war and culpable acts in conduct. An impartial commission should have the right to investigate on its own responsibility the archives of all the belligerent countries and all the persons who took an important part in the war.

Nothing short of confidence that the question of guilt will be examined dispassionately can leave the peoples lately at war with each other in the proper frame of mind for the formation of the League of Nations.

These are only the most important among the proposals which we have to make. As regards other great sacrifices, and also as regards the details, the delegation refers to the accompanying memorandum and the annex thereto.⁴

The time allowed us for the preparation of this memorandum was so short that it was impossible to treat all the questions exhaustively. A fruitful and illuminating negotiation could only take place by means of oral discussion. This treaty of peace is to be the greatest achievement of its kind in all history. There is no precedent for the conduct of such comprehensive negotiations by an exchange of written notes only. The feeling of the peoples who have made such immense sacrifices makes them demand that their fate should be decided by an open, unreserved exchange of ideas on the principle: "Quite open covenants of peace openly arrived at, after which there shall be no private international understandings of any kind, but diplomacy shall proceed always frankly in the public view."

Germany is to put her signature to the treaty laid before her and to carry it out. Even in her need, justice for her is too sacred a thing to allow her to stoop to achieve conditions which she cannot undertake to carry out. Treaties of peace signed by the great Powers have, it is true, in the history of the last decades, again and again proclaimed the right of the stronger. But each of these treaties of peace has been a factor in originating and prolonging the world war. Whenever in this war the victor has spoken to the vanquished, at Brest-Litovsk and Bucharest, his words were but the seeds of future discord. The lofty aims which our adversaries first set before themselves in their conduct of the war, the new era of an assured peace of justice, demand a treaty instinct with a different spirit. Only the cooperation of all nations, a cooperation of hands and spirits, can build up a durable peace. We are under no delusions regarding the strength of the hatred and bitterness which this war has engendered, and yet the forces which are at work for a union of mankind are stronger now than ever they were before. The historic task of the Peace Conference of Versailles is to bring about this union.

Accept, Mr. President, the expression of my distinguished consideration.

BROCKDORFF-RANTZAU.

⁴ Not printed herein.

*Letter transmitting the reply of the Allies to the German observations on the draft Treaty of Peace.*⁵

MR. PRESIDENT:

The Allied and Associated Powers have given the most earnest consideration to the observations of the German Delegation on the draft Treaty of Peace. The reply protests against the peace on the ground both that it conflicts with the terms upon which the armistice of November 11, 1918, was signed, and that it is a peace of violence and not of justice. The protest of the German delegation shows that they fail to understand the position in which Germany stands today. They seem to think that Germany has only to "make sacrifices in order to attain peace," as if this were but the end of some mere struggle for territory and power. The Allied and Associated Powers therefore feel it necessary to begin their reply by a clear statement of the judgment of the war which has been formed by practically the whole of civilized mankind.

In the view of the Allied and Associated Powers, the war which began on August 1, 1914, was the greatest crime against humanity and the freedom of peoples that any nation, calling itself civilized, has ever consciously committed. For many years the rulers of Germany, true to the Prussian tradition, strove for a position of dominance in Europe. They were not satisfied with that growing prosperity and influence to which Germany was entitled, and which all other nations were willing to accord her, in the society of free and equal peoples. They required that they should be able to dictate and tyrannize over a subservient Europe, as they dictated and tyrannized over a subservient Germany. In order to attain their ends they used every channel through which to educate their own subjects in the doctrine that might was right in international affairs. They never ceased to expand German armaments by land and sea, and to propagate the falsehood that it was necessary because Germany's neighbors were jealous of her prosperity and power. They sought to sow hostility and suspicion instead of friendship between nations. They developed a system of espionage and intrigue which enabled them to stir up internal rebellion and unrest, and even to make secret offensive preparations within the territory of their neighbors whereby they might, when the moment came, strike them down with greater certainty and ease. They kept Europe in a ferment by threats of violence, and when they found that their neighbors were resolved to resist their arrogant will, they determined to assist their predominance in Europe by force. As soon as their preparations were complete, they encouraged a subservient ally to declare war on Serbia at forty-eight hours' notice, a war involving the control of the Balkans, which they knew could not be localized and which was bound to unchain a general war. In order to make doubly sure, they refused every attempt at conciliation and conference until it was too late and the world war was inevitable for which they had plotted and for which alone among the nations they were adequately equipped and prepared.

Germany's responsibility, however, is not confined to having planned and started the war. She is no less responsible for the savage and inhuman manner in which it was conducted. Though Germany was itself the guarantor of Belgium, the

⁵London *Times*, June 17, 1919.

rulers of Germany violated, after a solemn promise to respect it, the neutrality of this unoffending people. Not content with this, they deliberately carried out a series of promiscuous shootings and burnings with the sole object of terrifying the inhabitants into submission by the very frightfulness of their action. They were the first to use poisonous gas, notwithstanding the appalling suffering it entailed. They began the bombing and long-distance shelling of towns for no military object, but solely for the purpose of reducing the *morale* of their opponents by striking at their women and children. They commenced the submarine campaign, with its piratical challenge to international law and its destruction of great numbers of innocent passengers and sailors in mid-ocean, far from succor, at the mercy of the winds and the waves, and the yet more ruthless submarine crews. They drove thousands of men and women and children with brutal savagery into slavery in foreign lands. They allowed barbarities to be practised against their prisoners of war from which the most uncivilized peoples would have recoiled. The conduct of Germany is almost unexampled in human history. The terrible responsibility which lies at her doors can be seen in the fact that not less than 7,000,000 dead lie buried in Europe, while more than 20,000,000 others carry upon them the evidence of wounds and suffering, because Germany saw fit to gratify her lust for tyranny by resort to war.

The Allied and Associated Powers believe that they will be false to those who have given their all to save the freedom of the world if they consent to treat this war on any other basis than as a crime against humanity and right.

This attitude of the Allied and Associated Powers was made perfectly clear to Germany during the war by their principal statesmen. It was defined by President Wilson in his speech of April 6, 1918, and explicitly and categorically accepted by the German people as a principle governing the peace:

"Let everything that we say, my fellow-countrymen, everything that we henceforth plan and accomplish, ring true to this response, till the majesty and might of our concerted power shall fill the thoughts and utterly defeat the force of those who flout and misprize what we honor and hold dear. Germany has once more said that force, and force alone, shall decide whether justice and peace shall reign in the affairs of men, whether Right as America conceives it or Dominion as she conceives it shall determine the destinies of mankind. There is, therefore, but one response possible from us: Force, Force to the utmost, Force without stint or limit, the righteous and triumphant Force which shall make Right the law of the world, and cast every selfish dominion down in the dust."

It was set forth clearly in a speech of the Prime Minister of Great Britain, dated December 14, 1917:

"There is no security in any land without certainty of punishment. There is no protection for life, property, or money in a state where the criminal is more powerful than the law. The law of nations is no exception, and, until it has been vindicated, the peace of the world will always be at the mercy of any nation whose professors have assiduously taught it to believe that no crime is wrong so long as it leads to the aggrandisement and enrichment of the country to which they owe allegiance. There have been many times in the history of the world criminal states. We are dealing with one of them now. And there will always be criminal states

until the reward of international crime becomes too precarious to make it profitable, and the punishment of international crime becomes too sure to make it attractive."

It was made clear also in an address of M. Clemenceau of September, 1918:

"What do they [the French soldiers] want? What do we ourselves want? To fight, to fight victoriously and unceasingly, until the hour when the enemy shall understand that no compromise is possible between such crime and 'justice.'"

Similarly, Signor Orlando, speaking on October 3, 1918, declared:

"We shall obtain peace when our enemies recognize that humanity has the right and duty to safeguard itself against a continuation of such causes as have brought about this terrible slaughter; and that the blood of millions of men calls not for vengeance, but for the realization of those high ideals for which it has been so generously shed. Nobody thinks of employing—even by way of legitimate retaliation—methods of brutal violence or of overbearing domination or of suffocation of the freedom of any people—methods and policies which made the whole world rise against the Central Powers. But, nobody will contend that the moral order can be restored simply because he who fails in his iniquitous endeavor declares that he has renounced his aim. Questions intimately affecting the peaceful life of nations, once raised, must obtain the solution which justice requires."

Justice, therefore, is the only possible basis for the settlement of the accounts of this terrible war. Justice is what the German delegation asks for, and says that Germany has been promised. But it must be justice for all. There must be justice for the dead and wounded and for those who have been orphaned and bereaved that Europe might be freed from Prussian despotism. There must be justice for the peoples who now stagger under war debts which exceed £30,000,000,000 that liberty might be saved. There must be justice for those millions whose homes and land, ships and property German savagery has spoliated and destroyed.

This is why the Allied and Associated Powers have insisted as a cardinal feature of the treaty that Germany must undertake to make reparation to the very uttermost of her power, for reparation for wrongs inflicted is of the essence of justice. That is why they insist that those individuals who are most clearly responsible for German aggression and for those acts of barbarism and inhumanity which have disgraced the German conduct of the war must be handed over to a justice which has not been meted out to them at home. That, too, is why Germany must submit for a few years to certain special disabilities and arrangements. Germany has ruined the industries, the mines, and the machinery of neighboring countries, not during battle, but with the deliberate and calculated purpose of enabling her own industries to seize their markets before their industries could recover from the devastation thus wantonly inflicted upon them. Germany has despoiled her neighbors of everything she could make use of or carry away. Germany has destroyed the shipping of all nations in

the high seas, where there was no chance of rescue for their passengers and crews. It is only justice that restitution should be made, and that these wronged peoples should be safeguarded for a time from the competition of a nation whose industries are intact and have even been fortified by machinery stolen from occupied territories. If these things are hardships for Germany, they are hardships which Germany has brought upon herself. Somebody must suffer for the consequences of the war. Is it to be Germany or the peoples she has wronged?

Not to do justice to all concerned would only leave the world open to fresh calamities. If the German people themselves, or any other nation, are to be deterred from following the footsteps of Prussia; if mankind is to be lifted out of the belief that war for selfish ends is legitimate to any state; if the old era is to be left behind and nations as well as individuals are to be brought beneath the reign of law, even if there is to be early reconciliation and appeasement; it will be because those responsible for concluding the war have had the courage to see that justice is not deflected for the sake of convenient peace.

It is said that the German revolution ought to make a difference and that the German people are not responsible for the policy of their rulers, whom they have thrown from power. The Allied and Associated Powers recognize and welcome the change. It represents a great hope for peace and a new European order in the future. But it cannot affect the settlement of the war itself. The German revolution was stayed until the German armies had been defeated in the field, and all hope of profiting by a war of conquest had vanished. Throughout the war, as before the war, the German people and their representatives supported the war, voted the credits, subscribed to the war loans, obeyed every order, however savage, of their Government. They shared the responsibility for the policy of their Government, for at any moment, had they willed it, they could have reversed it. Had that policy succeeded they would have acclaimed it with the same enthusiasm with which they welcomed the outbreak of the war. They cannot now pretend, having changed their rulers after the war was lost, that it is justice that they should escape the consequences of their deeds.

The Allied and Associated Powers therefore believe that the peace they have proposed is fundamentally a peace of justice. They are no less certain that it is a peace of right on the terms agreed. There can be no doubt as to the intentions of the Allied and Associated Powers to base the settlement of Europe on the principle of freeing oppressed peoples and redrawing national boundaries as far as possible in accordance with the will of the peoples concerned, while giving to each facilities for living an independent national and economic life. These intentions were made clear not only in President Wilson's address to Congress of January 8, 1918, but in "the principles of settlement enunciated in his subsequent addresses," which was the agreed basis of the peace. A memorandum on this point is attached to this letter.⁶

Accordingly the Allied and Associated Powers have provided for the reconstitution of Poland as an independent state with "free and secure access to the

⁶ Not printed herein.

sea." All "territories inhabited by indubitably Polish populations" have been accorded to Poland. All territory inhabited by German majorities, save for a few isolated towns and for colonies established on land recently forcibly expropriated and situated in the midst of indubitably Polish territory, have been left to Germany. Wherever the will of the people is in doubt a plebiscite has been provided for. The town of Danzig has been constituted as a free city, so that the inhabitants are autonomous and do not come under Polish rule, and form no part of the Polish state. Poland has been given certain economic rights in Danzig, and the city itself has been severed from Germany because in no other way was it possible to provide for that "free and secure access to the sea" which Germany has promised to concede.

The German counter-proposals entirely conflict with the agreed basis of peace. They provide that great majorities of indisputably Polish population shall be kept under German rule. They deny secure access to the sea to a nation of over twenty million people, whose nationals are in the majority all the way to the coast, in order to maintain territorial connection between East and West Prussia, whose trade has always been mainly sea-borne. They cannot, therefore, be accepted by the Allied and Associated Powers. At the same time, in certain cases the German note has established a case for rectification which will be made, and in view of the contention that Upper Silesia, though inhabited by a two to one majority of Poles (1,250,000 to 650,000, 1910 German census), wishes to remain a part of Germany, they are willing that the question of whether or not Upper Silesia should form part of Germany or of Poland, should be determined by the vote of the inhabitants themselves.

In regard to the Saar Basin, the *régime* proposed by the Allied and Associated Powers is to continue for fifteen years. This arrangement they considered necessary both to the general scheme for reparation, and in order that France may have immediate and certain compensation for the wanton destruction of her northern coal-mines. The district has been transferred not to French sovereignty, but to the control of the Society of the League of Nations. This method has the double advantage that it involves no annexation, while it gives possession of the coal-field to France and maintains the economic unity of the district, so important to the interests of the inhabitants. At the end of fifteen years the mixed population, which in the meanwhile will have had control of its own local affairs under the governing supervision of the League of Nations, will have complete freedom to decide whether it wishes union with Germany, union with France, or the continuance of the *régime* provided for in the treaty.

As to the territories which it is proposed to transfer from Germany to Denmark and Belgium, some of these were robbed by Prussia by force, and in every case the transfer will only take place as the result of a decision of the inhabitants themselves, taken under conditions which will insure complete freedom to vote.

Finally, the Allied and Associated Powers are satisfied that the native inhabitants of the German colonies are strongly opposed to being again brought under Germany's sway; and the record of German rule, the traditions of the German Government, and the use to which these colonies were put as bases from which to prey upon the commerce of the world, make it impossible for

the Allied and Associated Powers to return them to Germany, or to entrust to her the responsibility for the training and education of their inhabitants.

For these reasons the Allied and Associated Powers are satisfied that their territorial proposals are both in accord with the agreed basis of peace and are necessary to the future peace of Europe. They are, therefore, not prepared to modify them except in the respects laid down.

Arising out of the territorial settlement are the proposals in regard to international control of rivers. It is clearly in accord with the agreed basis of the peace that inland states should have secure access to the sea along rivers which are navigable to their territory. They believe that the arrangements they propose are vital to the free life of the inland states. They do not think that they are any derogation of the rights of the other riparian states. If viewed according to the discredited doctrine that every state is engaged in a desperate struggle for ascendancy over its neighbors, no doubt such arrangements may be an impediment to the artificial strangling of a rival. But if it be the ideal that nations are to coöperate in the ways of commerce and peace, they are natural and right. The provision for the presence of representatives of important non-riparian states on the commissions is security that the commissions will consider the interests of all. A number of modifications, however, have been made in the original proposals.

Under the heading of economic and financial clauses the German delegation appear to have seriously misinterpreted the proposals of the Allied and Associated Powers. There is no intention on the part of the Allied and Associated Powers to strangle Germany or to prevent her from taking her proper place in international trade and commerce. Provided that she abides by the Treaty of Peace, and provided also that she abandons those aggressive and exclusive traditions which have been apparent in her business no less than her political methods, the Allied and Associated Powers intend that Germany shall have fair treatment in the purchase of raw materials and the sale of goods, subject to those temporary provisions already mentioned in the interests of the nations ravaged and artificially weakened by German action. It is their desire that the passions engendered by the war should die as soon as possible, and that all nations should share in the prosperity which comes from the honest supply of mutual needs. They wish that Germany shall enjoy this prosperity like the rest, though much of the fruit of it must necessarily go for many years to come in making reparation to her neighbors for the damage she has done. In order to make their intention clear, a number of modifications have been made in the financial and economic clauses of the treaty. But the principles upon which the treaty is drawn must stand.

The German delegation have greatly misinterpreted the reparation proposals of the treaty. These proposals confine the amounts payable by Germany to what is clearly justifiable under the terms of armistice in respect of damage caused to the civilian population of the Allies by the aggression of Germany. They do not provide for that interference in the internal life of Germany by the Reparation Commission which is alleged. They are designed to make the payment of that reparation which Germany must make as easy and convenient

to both parties as possible, and they will be interpreted in that sense. The Allied and Associated Powers, therefore, are not prepared to modify them.

But they recognize, with the German delegation, the advantage of arriving as soon as possible at the fixed and definite sum which shall be payable by Germany and accepted by the Allies. It is not possible to fix this sum today, for the extent of damage and the cost of repair have not yet been ascertained. They are, therefore, willing to accord to Germany all necessary and reasonable facilities to enable her to survey the devastated and damaged regions, and to make proposals thereafter within four months of the signing of the treaty for a settlement of the claims under each of the categories of damage for which she is liable. If within the following two months an agreement can be reached, the exact liability of Germany will have been ascertained. If agreement has not been reached by then, the arrangement as provided in the treaty will be executed.

The Allied and Associated Powers have given careful consideration to the request of the German delegation that Germany should be admitted to the League of Nations as one of the conditions of peace. They are unable to accede to this request. The German revolution was postponed to the last moments of the war, and there is as yet no guarantee that it represents a permanent change. In the present temper of international feeling, it is impossible to expect the free nations of the world to sit down immediately in equal association with those by whom they have been so grievously wronged. To attempt this too soon would delay and not hasten that process of appeasement which all desire. But the Allied and Associated Powers believe that if the German people prove by their acts that they intend to fulfil the conditions of the peace, and that they have abandoned forever those aggressive and estranging policies which caused the war, and have now become a people with whom it is possible to live in neighborly good fellowship, the memories of the past years will speedily fade, and it will be possible at an early date to complete the League of Nations by the admission of Germany thereto. It is their earnest hope that this may be the case. They believe that the prospects of the world depend upon the close and friendly coöperation of all nations in adjusting international questions and promoting the welfare and progress of mankind. But the early entry of Germany into the League must depend principally upon the action of the German people themselves.

In the course of its discussion of their economic terms and elsewhere, the German delegation has repeated its denunciation of the blockade instituted by the Allied and Associated Powers. Blockade is and always has been a legal and recognized method of war, and its operation has always been adopted to changes in international communications. If the Allied and Associated Powers have imposed upon Germany a blockade of exceptional severity, which throughout they have consistently sought to conform to the principles of international law, it is because of the criminal character of the war initiated by Germany and of the barbarous methods adopted by her in prosecuting it.

The Allied and Associated Powers have not attempted to make a specific answer to all the observations made in the German note. The fact of that omission does not indicate, however, that they are even either admitted or open to discussion.

In conclusion, the Allied and Associated Powers must make it clear that this letter and the memorandum attached constitute their last word. They have examined the German observations and counter-proposals with earnest attention and care. They have, in consequence, made practical concessions in the Draft Treaty. But in its principles they stand by it. They believe that it is not only a just settlement of the great war, but that it provides the basis upon which the peoples of Europe can live together in friendship and equality. At the same time it creates the machinery for the peaceful adjustment of all international problems by discussion and consent, and whereby the settlement of 1919 itself can be modified from time to time to suit new facts and new conditions as they arise. It is frankly not based upon a general condonation of the events of 1914-1918. It would not be a peace of justice if it were. But it represents a sincere and deliberate attempt to establish "that reign of law, based upon the consent of the governed, and sustained by the organized opinion of mankind," which was the agreed basis of the peace.

As such, the treaty in its present form must be accepted or rejected. The Allied and Associated Powers therefore require a declaration from the German delegation within five days that they are prepared to sign the treaty as now amended. If they declare within the period that they are prepared to sign the treaty as it stands, arrangements will be made for the immediate signature of the peace at Versailles. In default of such a declaration this communication constitutes the notification provided for in Article II of the Convention of February 16, 1919, prolonging the Armistice signed on November 11, 1918, and again prolonged by the Agreement of December 13, 1918, and January 16, 1919, the said Armistice will then terminate and the Allied and Associated Powers will take such steps as they think needful to enforce their terms.

The more important modifications in the draft treaty which the Allies agreed to make were as follows:

A plebiscite for Upper Silesia, with guarantees of coal from that region.

Frontier rectifications in West Prussia.

The omission of the third zone from the Schleswig plebiscite.

A temporary increase of the permitted strength of the German army from 100,000 to 200,000.

A declaration of intention to submit within a month of the treaty's signature a list of those accused of violation of the laws and customs of war.

An offer to coöperate with a German Commission on Reparations and to receive suggestions for discharging the obligation.

Certain detailed modifications in the financial, economic, and ports and waterways clauses, including the abolition of the proposed Kiel Canal Commission.

Assurance to Germany of membership in the League of Nations in the early future if she fulfils her obligations.⁷

According to the last paragraph of the Allied reply of June 16th, the treaty as modified was required to be accepted or rejected within five days. This period was later extended by two days, making the ultimatum expire on June 23d. Should the treaty not be accepted within that period, the armistice was to terminate and the Allied and Associated Powers would "take such steps as they think needful to enforce their terms."

The delivery of the ultimatum of the Allies produced a Cabinet crisis in Germany and a change in the Government. The original German Peace delegation left Versailles with the final terms of the Allies. In a note dated June 21, the day before the expiration of the time limit, and delivered on June 22d by a subordinate peace delegate, the German Government offered to sign the treaty with reservations. These reservations declined responsibility for any resistance by the inhabitants of districts separated from Germany by the treaty, or for the failure to carry out the economic and financial conditions, which Germany regarded as incapable of fulfilment. Germany declined to accept Articles 227-230 of the treaty under which she was required to admit responsibility for the war, to give up for trial German subjects accused of breaches of international law and acts contrary to the customs of war, and a protest was lodged against taking away the German colonial possessions. The note proposed a declaration, to be made an integral part of the treaty, whereby within two years it was to be submitted to the Council of the League of Nations, before which German delegates would have the same rights and privileges as the representatives of the other contracting parties, for decision as to whether the conditions of the treaty impair the right of self-determination of the German people and also whether they impair the free economic development of Germany on the basis of equality.

A reply was delivered immediately by the Allies peremptorily stating that the time for discussion had passed, that they could accept or acknowledge no qualification or reservation, and must require of the German representatives an unequivocal decision as to their purpose to sign and accept as a whole, or not to sign and accept, the treaty as finally formulated. M. Clemenceau also stated that "after the signature the Allies and Associated Powers must hold Germany

⁷ The New York Times, June 17, 1919.

responsible for the execution of every stipulation of the treaty." This reply brought forth a further request from Germany for an extension of time for forty-eight hours in order to enable the new Cabinet to come into contact with the National Assembly. This request was likewise promptly rejected, and on June 23d the German Government, "yielding to superior force and without renouncing in the meantime its own view of the unheard of injustice of the peace conditions . . . declares that it is ready to accept and sign the peace conditions imposed."

This declaration was followed by several days of uncertainty in the selection of German plenipotentiaries to sign the treaty. Finally on June 27th, Dr. Hermann Müller, the Foreign Minister in the new German Government, and Dr. Johannes Bell, Minister of Colonies, arrived at Versailles, empowered to sign the treaty. The ceremony of signing took place the following day, June 28th, in the Hall of Mirrors in the Palace at Versailles, exactly five years to the day after the assassination of the Austrian Crown Prince at Serajevo, commonly regarded as the opening event in the Great War.

The full English text of the treaty as signed is printed in the SUPPLEMENT to this JOURNAL.

The Treaty of Peace with Germany was presented to the United States Senate by President Wilson on July 10, 1919, for its advice and consent to ratification in accordance with the provisions of the Constitution of the United States. Departing from its custom of considering treaties in executive session, the Senate convened in public session for the purpose of receiving the treaty and listening to the presentation remarks of the President.

The tasks which the circumstances of the war had created for settlement by the Peace Conference were summarized by President Wilson as follows:⁸

Two great empires had been forced into political bankruptcy, and we were the receivers. Our task was not only to make peace with the Central Empires and remedy the wrongs their armies had done.

The Central Empires had lived in open violation of many of the very rights for which the war had been fought, dominating alien peoples over whom they had no natural right to rule, enforcing, not obedience, but veritable bondage, exploiting those who were weak for the benefit of those who were masters and overlords only by force of arms. There could be no peace until the whole order of central Europe was set right.

⁸ Senate Document No. 59, 66th Cong. 1st sess.

That meant that new nations were to be created—Poland, Czechoslovakia, Hungary itself. No part of ancient Poland had ever in any true sense become a part of Germany, or of Austria, or of Russia. Bohemia was alien in every thought and hope to the monarchy of which she had so long been an artificial part; and the uneasy partnership between Austria and Hungary had been one rather of interest than of kinship or sympathy. The Slavs whom Austria had chosen to force into her empire on the south were kept to their obedience by nothing but fear. Their hearts were with their kinsmen in the Balkans. These were all arrangements of power, not arrangements of natural union or association. It was the imperative task of those who would make peace and make it intelligently to establish a new order which would rest upon the free choice of peoples rather than upon the arbitrary authority of Hapsburgs or Hohenzollerns.

More than that, great populations bound by sympathy and actual kin to Rumania were also linked against their will to the conglomerate Austro-Hungarian monarchy or to other alien sovereignties, and it was part of the task of peace to make a new Rumania as well as a new Slavic state clustering about Serbia.

And no natural frontiers could be found to these new fields of adjustment and redemption. It was necessary to look constantly forward to other related tasks. The German colonies were to be disposed of. They had not been governed; they had been exploited merely, without thought of the interest or even the ordinary human rights of their inhabitants.

The Turkish Empire, moreover, had fallen apart, as the Austro-Hungarian had. It had never had any real unity. It had been held together only by pitiless, inhuman force. Its peoples cried aloud for release, for succor from unspeakable distress, for all that the new day of hope seemed at last to bring within its dawn. Peoples hitherto in utter darkness were to be led out into the same light and given at last a helping hand. Undeveloped peoples and peoples ready for recognition, but not yet ready to assume the full responsibilities of statehood, were to be given adequate guarantees of friendly protection, guidance and assistance.

And out of the execution of these great enterprises of liberty sprang opportunities to attempt what statesmen had never found the way before to do; an opportunity to throw safeguards about the rights of racial, national and religious minorities by solemn international covenant; an opportunity to limit and regulate military establishments where they were most likely to be mischievous; an opportunity to effect a complete and systematic internationalization of waterways and railways which were necessary to the free economic life of more than one nation and to clear many of the normal channels of commerce of unfair obstructions of law or of privilege; and the very welcome opportunity to secure for labor the concerted protection of definite international pledges of principle and practice.

The principles upon which such a stupendous settlement was to be made, the President stated, had been formulated by the United

States—"the principles upon which the armistice had been agreed to and the parleys of peace undertaken—and no one doubted that our desire was to see the Treaty of Peace formulated along the actual lines of those principles," which "were readily acceded to as the principles to which honorable and enlightened minds everywhere had been bred. They spoke the conscience of the world as well as the conscience of America."⁹

But the President, after stating that "the problems with which the Peace Conference had to deal and the difficulty of laying down straight lines of settlement anywhere on a field on which the old lines of international relationship, and the new alike, followed so intricate a pattern and were for the most part cut so deep by historical circumstances which dominated action even where it would have been best to ignore or reverse them," proceeded:

Old entanglements of every kind stood in the way—promises which governments had made to one another in the days when might and right were confused and the power of the victor was without restraint. Engagements which contemplated any dispositions of territory, any extensions of sovereignty that might seem to be to the interest of those who had the power to insist upon them, had been entered into without thought of what the peoples concerned might wish or profit by; and these could not always be honorably brushed aside. It was not easy to graft the new order of ideas on the old, and some of the fruits of the grafting may, I fear, for a time be bitter.

As the result of this cross current of politics and of interest, the President admitted that "the treaty . . . is not exactly what we would have written. It is probably not what any one of the national delegations would have written. But results have worked out which on the whole bear test. I think that it will be found that the compromises which were accepted as inevitable nowhere cut to the heart of any principle. The work of the Conference squares, as a whole, with the principles agreed upon as the basis of the peace as well as with the practical possibilities of the international situations which had to be faced and dealt with as facts."

Speaking of the terms of the treaty in so far as they affect the United States, the President stated that "in the settlements of the peace we have sought no special reparation for ourselves, but only the restoration of right and the assurance of liberty everywhere that

⁹ President Wilson's fourteen points, to which he had reference, are printed in this JOURNAL for April, 1919, p. 161.

the effects of the settlement were to be felt. We entered the war as the disinterested champions of right and we interested ourselves in the terms of peace in no other capacity."

The treaty was promptly referred to the Committee on Foreign Relations, where it is now under consideration.

GEO. A. FINCH.

INCURSIONS INTO MEXICO AND THE DOCTRINE OF HOT PURSUIT

The pursuit in June of this year of Villa and his semi-political "bandits" across the Mexican border from United States territory by American troops has revived memories of Villa's attack on Columbus, New Mexico, on March 9, 1916, and the inglorious check of our expeditionary forces into Mexico at Carrizal on June 21st of that year.

It appears that in consequence of some shots fired into El Paso by Villistas in the course of an engagement with Carranzistas at El Juarez on June 16, 1919, American forces over 3,000 strong crossed to the Mexican side on the same night and returned to El Paso on June 17th with a number of cavalry horses and prisoners, after having driven the Villistas out of El Juarez to the desert beyond.

Although General Caball had told General Gonzales that "there was no idea of invading Mexican sovereignty" and that our forces would withdraw as soon as possible (which was actually done), General Aguillar, Carranza's son-in-law, and "Confidential Ambassador to the United States," protested, albeit mildly, against this "violation of Mexican sovereignty" and insisted that the Mexican Government had not asked for aid of this sort from the United States. In reply, our State Department is stated to have made strong representations that Americans must be protected, and General Aguillar declared that the Mexican Government was satisfied and that the incident was closed.

In itself this affair is of slight importance, but since a renewal of such instances may be expected in the future, it will be profitable to recall similar incursions and expeditions in our previous history, and examine the principles of international law by which they have been justified or advocated.

In the first place, it should be noted that the expedition into the heart of Mexico which came to such a humiliating end in June, 1916,¹

¹ For discussions of this incident, see editorials in this JOURNAL, Vol. X, pp. 337 ff, and Vol. XI, pp. 399 ff.